

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**DOUG CARTER, and LINDA CARTER,** )  
)  
**Plaintiffs,** )  
)  
**V.** )  
)  
**TYSON FRESH MEATS, INC. F/K/A** )  
**IBP, INC.,** )  
)  
**Defendant.** )

**CASE NO. 8:00CV530**  
**and cases previously consolidated**  
**8:00CV531; 8:00CV532; 8:00CV533;**  
**8:00CV534; 8:00CV535; 8:00CV536;**  
**8:00CV537; 8:01CV27; 8:01CV28;**  
**8:02CV293**

## ORDER

This matter is before the Court upon review of the Plaintiffs’ Motion to Reinstate Dr. Kaye Kilburn, M.D., as an Expert Witness and to Supplement Dr. Kilburn’s Expert Reports (i.e., Filing No. 393 in 8:00cv530). Having briefly reviewed the memorandum of law and the evidence offered in support of the motion, the Court concludes that additional information must be provided to explain or support the motion. Specifically, the Plaintiffs are asked to explain what is meant by the phrase “clarification of the law of the Eighth Circuit” as used on page 6 of their brief; to specifically identify those areas of Dr. Kilburn’s reports that will be supplemented; and to summarize the content of the proposed supplementation. Accordingly,

IT IS ORDERED:

1. The Plaintiffs shall submit a Supplemental Statement consisting of no more than three pages relating to the Motion to Reinstate Kaye Kilburn, M.D. The Supplemental Statement shall a) set forth the clarification of Eighth Circuit law that purportedly supports their request; b) identify the areas of Dr. Kilburn's reports that they seek to supplement; and c) provide a summary of the supplemental opinions; and

2. The Supplemental Statement shall be filed on or before November 15, 2006;  
and Defendant's response to the Motion to Reinstate Dr. Kaye Kilburn and  
to Supplement shall be filed on or before November 29, 2006.

DATED this 9<sup>th</sup> day of November, 2006.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge